

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2 and 5-9 are cancelled. Claims 1, 3-4 and 10 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, the Examiner rejected claims 1, 3, 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Reeder (International Publication No. WO 97/14085) in view of Grundy (U.S. Patent No. 5,375,240) in view of Hellman (U.S. Patent No. 4,658,093) and in view of Oshima (U.S. Patent No. 6,081,785). Applicant submits that the claims are patentably distinguishable over the cited references.

For example, claim 1 defines a software program providing system for providing and managing access to a software program and calls for:

said software program providing system authorizing said user terminal to have an unlimited number of accesses to the purchased software program without the at least one supplemental pay function when access to the at least one supplemental pay function is not requested, and authorizing said user terminal to have at least one access to the purchased software program including the at least one supplemental pay function based on the information regarding the range of access limitations and whether the associated number of purchased counts exceeds the associated number of used counts when access to the at least one supplemental pay function is requested, said database management means incrementing the associated number of used counts after the at least one access to the purchased software program including at least one supplemental pay function is concluded[.] (Emphasis added.)

By contrast, Grundy describes a software product with an evaluation mode that allows users to access only certain functions of the software product to allow potential users to try and evaluate the software product features prior to deciding whether to purchase the software product. (See col.4 ll.33-37)

and col.9 11.5-12.) Grundy does not disclose or suggest authorizing a user terminal to have an unlimited number of accesses to a purchased software program without at least one supplemental pay function when access to the at least one supplemental pay function is not requested.

Claim 1 also calls for:

said user terminal including a display having a graphical-unit-interface for enabling the user to select between the unlimited number of accesses to the purchased software program without the at least one supplemental pay function and the paid access to the purchased software program including the at least one supplemental pay function. (Emphasis added.)

For the reasons set out above, Grundy does not disclose or suggest such a user terminal.

The cited sections of Reeder, Hellman, and Oshima do not remedy the deficiencies of Grundy. It follows that neither Grundy, nor the cited sections of Reeder, nor the cited sections of Hellman, nor the cited sections of Oshima, whether taken alone or in combination, disclose or suggest the system defined in claim 1, and claim 1 is therefore patentably distinct and unobvious over the cited references.

Claims 3 and 4 depend from claim 1 and are distinguishable over the cited art for at least the same reasons.

Independent claim 10 defines a system which includes limitations similar to those set out above regarding claim 1. Claim 10 is therefore patentably distinguishable over the cited references for at least the same reasons.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If,

however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 12, 2006

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant